

13616

No. \_\_\_\_\_

# Supreme Court of Illinois

City of Chicago

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vs.

Herrington

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United States of America  
State of Illinois Cook County

Read before the  
Honorable Judges of the Superior Court of  
Chicago within and of the County of Cook and State  
of Illinois at a special Term of said Superior Court  
of Chicago begun and holden at the Court  
House in the City of Chicago in said County  
and State on the fourth Thursday being the  
twenty first day of January in the year four  
and Eighteen hundred and sixty, and of the  
Independence of the United States of America the  
Eighty fourth, and notice of the time and place  
of holding said special Term of the Court having  
been printed and published in the Daily Press  
and Tribune the Corporation Newspaper of the  
City of Chicago for twenty days previous to the  
holding said special Term of the Court in accordance  
with the Statute in such case made and provided  
and in pursuance of an order made by the judges  
of said Court on the fourth day of January  
A D Eighteen hundred and sixty

Present The Honorable John W. Nelson Chief Justice  
of the Superior Court of Chicago

Wm H Higgins and Grant Rodrick Judges

Carlo Haren Prosecuting Attorney

John Gray Sheriff of Cook County

Attest

Mathew Newhall Clerk

Be it remembered that heretofore to wit on the first day of January in the year of our Lord Eighteen hundred and sixty and day being now of the days of the January Special Term of the Superior Court of Chicago begun and held at the Court House in the City of Chicago in said County of Cook and State of Illinois on the fourth Thursday being the twenty sixth day of January A.D. Eighteen hundred and sixty pursuant to an order of the Judges of said Court on the fourth day of January in the year last aforesaid the following Among other proceedings were had and entered of record in said Court at such Special Term as appears of record, which proceedings in the case of the City of Chicago against A.W. Herrington and others being suit for a precept to Warrant No 109 South dated the first day of September A.D. 1859

And now on this first day of February A.D. 1860 Cometh the said City of Chicago by George H. Crocker City Attorney, and then motion having been given of the term and place of making the intended application for judgment against the lots species & parcels of Real Estate to said Warrant set forth and objections being filed by Seaman Scott & Clark & Thomas owners of Lots 1 & 2 north of lot 1 & lots 2, 3, 4, 13, 14 & 15 in Block 4 lot 8 in Block 10  
lot 10 of lot 1 & lots 6 & 7 in Block 10, all in a Superior Division North Quarter Sec 22, T39 N. R. 14 E. to rendition of judgment against said lots in said objections set forth and as herein before described and counsel being heard on said objections and then deliberation being thereupon had and the premises being fully understood

It appears to the Court that said objections to  
taking of judgment on said warrant against said  
lots set forth in said objections are sufficient  
& valid the objections to taking of judgment  
against said lots herein before described & in  
said objections set forth are therefore hereby  
sustained and judgment therein refused, at  
Creston City, and no one now appearing  
to make default or show cause why judgment  
should not be entered against the remaining  
lots pieces & parcels of land in said warrant  
not objected to, And on motion of said attorney

It is therefore ordered & considered by the  
Court that judgment be and is hereby entered  
against the remaining lots pieces & parcels of  
land described in the original warrant excepting  
the lots hereinbefore described to which objections  
are filed & sustained & judgment therein refused  
in favor of the city of Chicago for the sum annexed  
to each lot piece & parcel of land being the  
amount of a payment and balance for Creston  
severally thereon, and that said City of Chicago  
has and recovers the further sum of ten percent upon  
the amount of payments respectively due and  
unpaid upon each of the remaining lots pieces &  
parcels of land therein set forth and for her additional  
costs,

And it is further ordered by the Court that  
said several remaining lots pieces & parcels of land  
or so much thereof as shall be deemed sufficient of  
each of them to satisfy the amount of a payment  
and costs annexed to them severally, proceed  
as the law directs,

And afterwards to wit on the fourth day of February in the year aforesaid said day being still of the Special Term of said Court as aforesaid the following amongst other proceedings were had and entered of record to wit,

And now on this fourth day of February AD 1868 comes the said City of Chicago by Geo. S. Crocker City Attorney and Augustus W. Herrington owner of Block 17 in aforesaid Acreage of North West fractional Quarter of Section 22 T39 N34 against which judgement has been rendered on the warrant in this cause also comes and prays an appeal herein to the Supreme Court, which is allowed on filing bond in fifteen days with E. H. Wadsworth as security

And thereupon accordingly on the eighteenth day of February AD Eighteen hundred and sixty eight the said Geo. S. Crocker and Augustus W. Herrington and filed in the Office of the Clerk of said Court the appeal Bond in said Cause, which said appeal Bond is in words and figures following to wit

Know all men by these presents that we Augustus W. Herrington as principal and E. H. Wadsworth as security are here and firmly bound unto the City of Chicago in the penal sum of Fifteen hundred Dollars for the payment of which well and truly to be made we bind ourselves our heirs executors and administrators jointly severally and finally by these presents, Witness our hands and seals this fifteenth

Day of February A.D. 1860

The condition of the above obligation is such that whereas the city of Chicago applied at the January Special Term of the Superior Court of Chicago for judgment against Mark Seventeen with appeal & subdivision of the north West fractional Quarter of Section 22 Town 39 N. R. 14 E. (assessed and owned by said W. M. Herrington) for grading and curbing State Street in said City of Chicago from twelfth Street to Ashwood, and whereas the said Court has rendered judgment for said applicant for the sum of Nine hundred and eighty dollars and thirty one cents; and whereas the said Herrington has prayed an appeal to the Supreme Court of this State;

Now if the said Augustus W. Herrington shall prosecute his said appeal with effect and shall pay the full and true amount of whatever judgment and other interest thereon the said Court shall render in the premises, and shall pay all costs & damages and in case said judgment shall be affirmed shall pay the same with interest thereon and all damages and costs accruing thereon then this obligation to be void otherwise in full force and effect,

Appraised

Feb. 15/60

Grant Goodrich Judge

Augustus W. Herrington

W. B. Moore

Grant

State of Illinois  
Cook County

I Thomas B. Easter Clerk of  
the Superior Court of Chicago within and for  
the County of Cook in the State of Illinois do  
hereby certify the above and foregoing to be a full  
true and perfect transcript of the order of judgment  
appeal and appeal bond, as appears from  
and on file in my office, as well as said and  
proceedings had and taken therein wherein the  
City of Chicago was plaintiff and Augustus W  
Herrington William Jones et al were defendants

In Testimony whereof I have  
hereunto set my hand and  
affixed the seal of said Superior  
Court of Chicago at Chicago in  
said County this the twenty first  
day of April A.D. 1862  
Thomas B. Easter Clerk

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W. City of Chicago

17 N. Main St. W 309  
South

Augustus M. Herrington

Ed

13/6/6

Filed Apr. 24. 1862

L. Nelson

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1862

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Jan 7<sup>2</sup>